Atrocity Prevention and Response During Armed Conflict: Closing the Capability Gap

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Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States. Our security is affected when masses of civilians are slaughtered, refugees flow across borders, and murderers wreak havoc on regional stability and livelihoods. America's reputation suffers, and our ability to bring about change is constrained, when we are perceived as idle in the face of mass atrocities and genocide. Unfortunately, history has taught us that our pursuit of a world where states do not systematically slaughter civilians will not come to fruition without concerted and coordinated effort.[1]

Introduction

Armed conflict and atrocity crimes are empirically linked. More specifically, atrocity crimes occur more often during an armed conflict than any other time.[2] However, Department of Defense (DoD) and service component training and doctrine publications place mass atrocity response operations (MARO) and prevention and response operations (MAPRO) squarely in the realm of peacekeeping and stability operations,[3] thus limiting the initiative of joint planners to include MAPRO as a line of effort or line of operation during phases zero through three of joint operations.[4] Furthermore, the minimal MAPRO doctrinal treatment that exists does not provide the military planner with a comprehensive guide to preventing and responding to atrocity crimes during the course of armed conflict.

This article proposes including MAPRO planning within all phases of the joint planning process by amending joint training and doctrine publications and further proposes to amend Army doctrine at the operational level by answering two questions: First, why is MAPRO important to joint and Army planners and commanders both today and in the future? Second, how should the DoD adapt existing doctrine and training to account for the likelihood that the

operational force will encounter an atrocity crime during conventional or unconventional warfare?

In Part I, I will answer the first question by showing that atrocity crimes are likely to occur during an armed conflict. I will describe the link between atrocity crimes and armed conflict, providing statistics to support the link and the conditions that give rise to the simultaneous occurrences. This article will provide key definitions, then outline different types of conflict and their occurrences in modern history. Next, I will use the atrocity crimes in East Timor to illustrate the concepts outlined in Part I.

Part II focuses on the disconnect between current strategic guidance and joint doctrine. I will outline the national strategic guidance with regard to MAPRO, identifying the evolution of the conflicting guidance in the National Security Strategy (NSS), National Defense Strategy (NDS), National Military Strategy (NMS), and Quadrennial Defense Review. Next, I will analyze current joint and army doctrine as it pertains to MAPRO, emphasizing doctrinal changes in the last five years. Lastly, I will examine the joint planning process, including the recent inclusion of MAPRO in joint doctrine, focusing on the Army Peacekeeping and Stability Operations Institute efforts.

In Part III, I will answer the second question, proposing changes to joint and army doctrine that will account for the strong link between genocide crimes and armed conflict.

Part I: Atrocity Crimes and Armed Conflict

One of the challenges to MAPRO planning is determining whether an act by a perpetrator group on a victim group is a mass atrocity versus unintended civilian death or large-scale criminal conduct.

Definitions

As a starting point, this article uses the United Nations (UN) definition of genocide from its December 9, 1948 convention because it is the most generally accepted international definition of genocide.[5]   According to the UN, genocide is "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; or (e) forcibly transferring children of the group to another group."[6]

The UN definition of genocide only partially describes categories of groups who could be subject to atrocity crimes. For example, an act against a political group or a specific gender would not be genocide according to the UN. Accordingly, this article casts a wider net on atrocity crimes by supplementing the UN definition of genocide with the more inclusive definition of "crimes against humanity" from the Rome Statute.[7] The Rome Statute defines a crime against humanity as any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack: murder, extermination, enslavement, deportation or forcible transfer of a population, imprisonment, torture, certain sexual crimes, persecution based on political, racial, national, ethnic, cultural, religious, or gender grounds, enforced disappearance, apartheid, or any other inhumane act of a similar character intending to cause great suffering or serious injury to a person's body or mental or physical health.[8] Because atrocity crimes are not limited to the UN definition of genocide, it is important for the military planner and commander to understand the range of actions that

could occur during armed conflict, from genocide of an ethnic group as proscribed by the UN to forced genital mutilation of a group of women as proscribed by the Rome Statute.[9]

Next, to assist with data collection and presentation, this article uses the Department of Peace and Conflict Research definition of armed conflict.[10] This department defines armed conflict as "a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths, which are both military and civilian fatalities during combat.[11] This definition is in accordance with the generally accepted customary international law definition of armed conflict.[12]   Although not relevant to the link between genocide and armed conflict but to provide more context to the data, their definition further describes four general types of conflicts: extrasystemic, interstate, internal and internationalized internal.[13]

Linkages - Atrocity Crimes and Armed Conflict

Before discussing the relationship between armed conflict and atrocity crimes, the reader must be aware that that this article does not contemplate whether any armed conflict, whether occurring prior to United States involvement or as a product of United States military intervention, meets the criteria as a legitimate armed conflict -- *jus ad bellum*. [14]   This article excludes that analysis for two reasons: first, the United States does not limit its invention to armed conflicts that meet the criteria of a legitimate armed conflict,[15] and second, the military planner should be aware that some states will use the guise of a legitimate armed conflict to conceal genocide. Thus, although a state's willingness to engage in armed conflict for no legitimate reason is probably an indicator that the government is nefarious and may be inclined to commit or permit genocide or mass atrocities, that analysis is irrelevant to this article.

Atrocity crimes occur most often during hostilities due to common environmental risk factors.[16] First, armed conflict and mass atrocities arise from the same structural conditions. For example, both genocides and armed conflict result from intergroup competition and conflict; both exhibit the presence of political, economic, and/or social grievance; both reveal a preparedness and capacity of at least one party to use violence and violate human rights; and both exhibit a perceived absence of legitimate pathways for nonviolent conflict resolution.[17]

These structural conditions are in line with the UN's seven risk factors for atrocity crimes: genocide or a mass atrocity is most likely to occur during situations of armed conflict or other forms of instability, in a state that has a record of serious violations of international human rights and humanitarian law, when there are weaknesses of state structures, motives or incentives, when the perpetrator group has the capacity to commit atrocity crimes, in the absence of mitigating factors, in the presence of enabling circumstances or preparatory action, and in the presence of triggering factors.[18] In short, the structural considerations and the risk factors complement each other to predict a victim group that is at risk for an atrocity crime during a period of armed conflict.

The statistics support the link between armed conflict and atrocity crimes. According to the Department of Peace and Conflict Research, between 1946 and 2013, there were 2135 armed conflicts of the four general types of conflicts. As shown in Figure 1, since 1945, there have been 103 incidents of mass civilian killings (more than 5000 civilians intentionally killed).[19] Within those 103 incidents, 67 cases occurred during armed conflict.[20] Moreover, since 1980, 85 percent of genocidal actions occurred during armed conflict, with all but one of the remaining 15 percent of genocidal action occurring in states that had recently seen armed conflict.[21] As shocking as these statistics may be, they do not even take into account genocidal actions and

mass atrocities that resulted in fewer than 5000 civilian casualties; thus, the number of genocidal actions or mass atrocities is actually much higher.

Figure 1. Peacetime and Wartime Episodes of Mass Killing by Decade of Commencement: 1945-2010
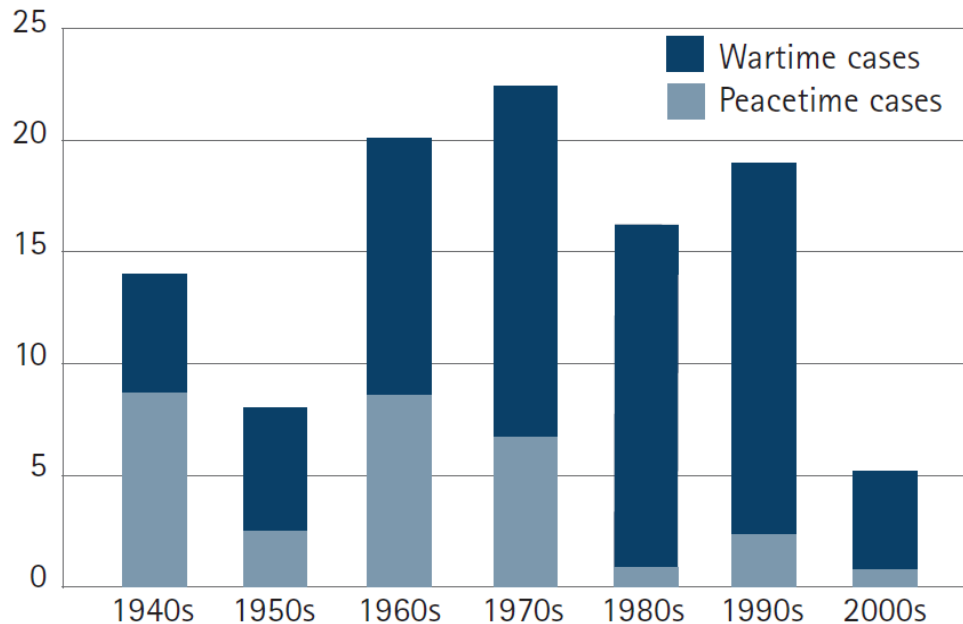
Source: Alex J. Bellamy, *The Stanley Foundation Policy Analysis Brief, Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent* (February 2011), accessed April 13, 2015, http://www.stanleyfoundation.org/publications/pab/BellamyPAB22011.pdf. Reproduced with permission.

East Timor - An internal war leads to atrocity crimes

The atrocity crimes in East Timor provide an example of how internal armed conflict immediately preceded an atrocity crimes and how external armed conflict was the mechanism by which the perpetrator group committed the atrocity crime.

East Timor was originally a Portuguese colony that eschewed incorporation into the Republic of Indonesia in 1950, in contrast to West Timor.[22] East Timor is a state that is familiar with suffering. During World War II, Japanese forces occupied East Timor and the nation suffered starvation, rape, torture, and forced labor as retribution for their support of the Allied

forces.[23] In 1974 East Timor split into two major parties and internal unrest and conflict

developed.[24]

Using the internal conflict as an excuse, Indonesia saw an opportunity to gain power in

East Timor and invaded the nation in 1975, after the internal conflict had come to an end.[25]

Indonesia's rule by force continued until 2002, when the UN declared East Timor's

independence.[26] During the first few months of the Indonesian invasion, the invaders killed

60,000 East Timorese through mass slaughters and indiscriminate attacks on civilian and military

targets.[27] Rape, torture, and murder continued throughout the Indonesian occupation, resulting in

the genocide of approximately 200,000 East Timorese, most of whom were unarmed civilians.[28]

Further atrocities included sexual abuse, kidnappings, forced sterilization, torture of pregnant

women, and removal of children from their homes.[29]

East Timor exhibited many of the UN common risk factors for atrocity crimes, starting

with humanitarian law violations that were common in poor areas in post-colonial economies.[30]

The newly independent state also showed weakness of state structures,[31] while the Indonesian

perpetrators possessed both motive and capacity to commit atrocity crimes. After decades of

armed conflict, East Timor's declaration of independence acted as the trigger for the atrocity

crimes. In hindsight, East Timor possessed structural considerations common to both genocide

and armed conflict. Intergroup competition and conflict existed within East Timor between the

East Timorese Front for Independence and the Timorese Democratic Union (during the civil

war) and between Indonesia and the Timorese.[32] At the conclusion of the internal conflict, the

Timorese and internal refugees had social and political grievances with the interim Indonesian

government due to shortages of food, water, and medical supplies, lack of ability to participate in

the government, and ongoing violence and atrocities.[33] The interim Indonesian government

showed its capacity for extreme violence against the Timorese through mass killings, disappearances, and extrajudicial killings.[34] Finally, the Timorese had no legitimate pathway for non-violent conflict resolution since they were denied participation in the interim Indonesian government. The perpetrator group had the motives, intent, and capacity to commit genocide crimes and the victim group lacked mitigating factors.

Although the United States did not intervene in East Timor, one could easily superimpose the victim state's profile immediately preceding the atrocity crimes for one of many areas in which the United States could be involved in the future. In the past three years alone, the United States military has conducted operations that span the entire range of military operations in Liberia, Senegal, Iraq, Ukraine, Uganda, Democratic Republic of Congo, South Sudan, Burundi, Afghanistan, Jordan, Niger, the Philippines, and Somalia, among other deployments.[35] All of these countries exhibit risk factors and structures that make atrocity crimes probable, most notably active armed conflict. In short, military planning that does not include MAPRO planning is shortsighted.

Part II: Evolution of Strategic Guidance and Doctrine

Current strategic guidance provides conflicting direction regarding whether genocide and mass atrocities in other societies are a threat to the United States' national security, where MAPRO should fall in the range of military operations, and whether the United States should use the military instrument of national power for MAPRO. This section will describe the evolution of national policy and resultant strategy and will demonstrate the disconnect between strategy and joint and service doctrine.

Although joint doctrine recognizes four instruments of military power -- diplomatic, information, military, and economic -- this article only deals with the military instrument.[36]

Furthermore, this article considers the entire range of military operations spans from peace through the conflict continuum to war, including military engagement, security cooperation, deterrence, crisis response, limited contingency operations, and major operations and campaigns.[37]

MAPRO first appeared in the 2006 National Security Strategy when President Bush vaguely cited a state's "moral imperative to prevent and punish genocide."[38] In May 2010, President Obama included prevention of genocide and mass atrocities as a focus for peacekeeping operations, emphasizing operations in Africa.[39] That same month, the Army Peacekeeping and Stability Operations Institute released the Mass Atrocity Response Operation (MARO) Military Planning Handbook that placed MARO squarely in the realm of peacekeeping operations or operations other than war. According to the authors, they wrote the handbook because "the US has long focused on preparation for major conventional operations, rather than preparation for other types of military operations."[40] Although the MARO Handbook was one of the earliest efforts to assist military commanders in the absence of doctrine, it was criticized as lacking in strategic approaches.[41]

On August 4, 2011, President Barack Obama signed Presidential Study Directive 10, creating the Atrocity Prevention Board.[42] President Obama charged the board to develop a "whole of government" response to genocide prevention and response, including developing training programs for the Armed Services.[43] One year after the Atrocity Prevention Board was functional, the administration released a factsheet that heralded its efforts to strengthen military strategy to "ensure military readiness when the situation arises."[44] These efforts were twofold: including MAPRO in Geographic Combatant Command steady-state and contingency planning and including a checklist as an appendix to one joint publication.[45]

In 2011, the greater defense community seemed to respond to the call for more emphasis on MAPRO, although the actual response was more aspirational than actionable and contained inconsistent guidance. For example, although the 2011 NMS contended that it was derived from a "thorough assessment of the strategic environment and how to advance our national interests within it,"[46] it provided a cursory mention of MAPRO in the context of partnerships in Africa and security threats to civilians.[47] The 2012 NDS recognized the disconnect, framing MAPRO in the context of humanitarian, disaster relief, and other operations and recognizing the existence of a doctrine gap.[48]

Three years later, national strategy and policy became more directive. The 2014 Quadrennial Defense Review recognized prevention and mitigation of mass atrocities as an element of "multilateral peace operations."[49] One year later, the 2015 NSS stated that MAPRO is a national interest, warning that genocidal actions destabilize countries and regions, push refugees across borders, and create grievances that extremists exploit.[50] The NSS further emphasized the importance of both prevention and response of genocide and mass atrocities using "all our instruments of national power."[51]

When national strategy began to include MAPRO as an element of military strategy, new doctrine slowly emerged as the DoD made a half-hearted effort to incorporate MAPRO into existing doctrine. In 2007, Joint Publication (JP) 3-07.3, Peace Operations, did not include MAPRO as an element of peace operations.[52] Five years later, JP 3-07.3 includes an appendix that outlines "guidance on planning and implementing operations to prevent or halt widespread acts of violence."[53] According to the new joint peace operations doctrine, force commanders should be prepared to monitor, prevent, and if necessary, respond to mass atrocity situations. Unfortunately, the change to Peace Operations was almost a word-for-word copy of Part II from

the MARO Handbook, inserted as an appendix without further explanation. Interestingly, the DoD chose to include this doctrinal change within the context of Peace Operations, notwithstanding the data that proved the empirical link between genocide and armed conflict of any type.

The Army followed joint doctrine in making a halfhearted effort to include MAPRO in training and doctrine publications. Army doctrine acknowledged that MAPRO could occur during the entire range of military options. The Army's manual on stability operations, Field Manual 3-07 states, "Commanders should be prepared within their capabilities to monitor, prevent, and if necessary, respond to mass atrocity situations in all operations, not just in peace operations."[54] Unfortunately, that statement is the Army's only acknowledgment of MAPRO during armed conflict; in fact, AR 3-07 refers the reader to JP 3-07.3 for joint doctrine regarding mass atrocity response.[55]

Why did joint and Army doctrine writers choose to include MAPRO where they did, specifically within the realm of peacekeeping and stability operations, instead of including it throughout the full range of military options and through every phase of each operation? One reason could be as a matter of convenience based on the documents' publication schedules. The last updates to JP 3-0 and JP 5-0 were over four years ago. At that time, although the United States had transitioned into Operation New Dawn in Iraq, 50,000 troops remained in the country, advising and assisting the Iraqi Security Forces.[56] Unsurprisingly, the DoD focus was not integrating MAPRO into new doctrine. Another reason may be that the DoD as a whole is unwilling to solidify the military's role in MAPRO outside of a peacekeeping mission. MAPRO by an armed force is a relatively new concept in the international community. It is a logical assumption that a military force protecting a civilian non-combatant population should fall

within the realm of non-combat, peacekeeping operations. Moreover, the DoD may be unwilling to accept a role in preventing atrocity crimes during kinetic operations. Our military force is decreasing in size at a steady pace and is on track to be the smallest since World War II.[57] Thus, one could argue that now is not the appropriate time to add major operational requirements to a force that is decreasing its worldwide footprint. However, United States forces will still encounter mass atrocities as they advise, assist, engage in, or observe armed conflict, and they must train in MAPRO as part of kinetic operations and not just peacekeeping operations. The next part of this article provides the DoD with a roadmap for including MAPRO in training and doctrine documents that will allow military planner and commanders to be prepared for MAPRO during all phases of every operation.

Part III: Recommendations

Doctrinal and training changes should be as simple as implementing the operational recommendations from the MARO Handbook[58] and the Protection of Civilians (POC) Military Reference Guide and scaling the recommendations to the strategic, operational, and tactical level for both joint and Army operations.[59] The doctrine writer's challenge is to ensure that military planners consider MAPRO throughout every phase of military operations, not just during operations other than war or stability operations.

Since the majority of the military effort occurs during phases zero through three of an operational plan, MAPRO considerations should be integrated through every phase, not just phase four.[60] Phases zero and one -- shaping and deterring -- aim to influence the joint operating environment so the joint partners do not have to resort to military force.[61] In combat situations, phases two and three -- seize the initiative and dominate -- require the swift application of offensive military force in order to break the enemy's will for organized resistance.[62] By

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including MAPRO in phases zero through three, in addition to four and five where it currently exists in certain operations, the DoD can maximize the potential to prevent and minimize atrocity crimes.

First, MAPRO should be on the Universal Joint Task List (UJTL). The UJTL directly supports the strategic guidance set forth in the NSS, NDS, and NMS by focusing on essential warfighting tasks.[63] Universal Joint Tasks (UJTs) allow combatant commanders and subordinate joint force commanders the ability to develop training at the strategic national, strategic theater, operational, and tactical levels of command.[64] Service component tasks lists supplement and complement the UJTL.[65] Furthermore, UJTs drive operational and future force development by allowing Functional Capability Boards to analyze any required changes to doctrine, organizations, training, materiel, leadership and personnel, and facilities (DOTMLPF).[66] There is no legitimate reason that MAPRO should not be integrated in the UJTL since MAPRO is an inevitable part of future wars. Although the President discussed MAPRO in the 2011 and 2015 NSS, the UJTL does not contain any task that resembles POC or MAPRO beyond conventional humanitarian assistance operations.[67] Inclusion of these inherently military tasks will trigger the DOTMLPF changes that this article proposes.

Second, awareness of genocidal actions and its relation to armed conflict must be a consideration in the commander's intelligence process.[68] As an example, the current Joint Operating Environment study purports to be an analysis of trends and disruptions that will define the future context for joint operations.[69] The Joint Operating Environment study cites pandemics, climate change, and natural disasters as a consideration for future joint commanders yet makes no mention of conditions that correlate to genocidal actions.[70] The Joint Operating

Environment should include any area that exhibits the UN risk factors for genocide or a structure that is favorable for mass civilian killings.

Third, the DoD must amend joint doctrine to reflect the national strategy and policy. JP 3-0 should include MAPRO as an example of a military operation.[71] JP 3-07.3 should contain MARO guidance as it does now, but it should include guidance about prevention, not just response. Furthermore, MAPRO in the context of a peacekeeping operation should be separated in doctrine from MAPRO in the context of a kinetic operation. The DoD can accomplish this separation by including MAPRO considerations in other joint publications for every phase and warfighting function.[72]

Fourth, the Army should amend its operational concepts to reflect changes to the joint guidance and doctrine and to recognize its role as the service that is most likely to be involved in MAPRO in the next several decades. The next revision to the US Army Operating Concept should include MAPRO as a specific enduring Army mission outside of general stability operations.[73]

Finally, Army training and doctrine publications should contemplate MAPRO at the operational and tactical levels. Since mass atrocities occur most often during armed conflict, MAPRO should be included in a warfighting function. The natural location for MAPRO is as an additional task in the Mission Command warfighting function.[74] Next, MAPRO planning considerations should be integrated into every applicable ADRP. A long-term goal is to create a completely separate Field Manual for MAPRO. The ideal of drafting an entirely new doctrinal document may seem aspirational, but the Army proved it was able to produce an entire field manual in fewer than two years with the 2006 version of Field Manual 3-24.[75]

Fortunately, the Army Peacekeeping and Stability Operations Institute has done most of the preparatory work for amending both joint and Army training and doctrine publications. The MARO handbook provides overarching joint strategic level planning guidance that would be appropriate for joint doctrine. Section III of the POC Reference Guide provides a comprehensive planning tool for design and conduct of POC operations.[76] The guide provides 17 military tasks spanning all five phases of military operations that would be appropriate in Army training and doctrine publications.[77]

Conclusion

The DoD needs to align its joint and service component training and doctrine with national strategy that considers MAPRO to be a national security interest. Even in the absence of such clear strategic guidance, empirical data shows a strong correlation between armed conflict and mass atrocities, making it probable that the operational force will encounter a mass atrocity scenario. When 85 percent of civilian mass killings occur during some phase of armed conflict, the military commander must plan for MAPRO and POC missions. The existing doctrine and training emphases are wholly inadequate to allow military planners to integrate MAPRO into plans for kinetic offensive operations.

This article recommends five actions to adequately prepare the joint force for MAPRO. First, the UJTL should include MAPRO tasks. Second, the Joint Operating Environment should include areas that exhibit mass atrocity indicators (risk factors and structural considerations). Third, joint doctrine must include MAPRO planning considerations outside the context of peacekeeping operations. Fourth, Army concepts should consider MAPRO. Finally, Army training and doctrine publications should integrate MAPRO beyond stability operations.

MAPRO is not a future threat; it is a current and real threat. Prevention of atrocity crimes is the first task in which U.S. forces must become competent in order to protect human life in our joint areas of operation. Failing to train forces to respond to atrocity crimes in today's volatile global environment will result in mission failure. The DoD must adequately prepare its forces to conduct MAPRO at all levels, from the geographic combatant commander to the service member on the ground in a high-risk area.

NOTES:

1. Barack Obama, "Presidential Study Directive on Mass Atrocities," accessed 4 August 2011, https://www.whitehouse.gov/the-press-office/2011/08/04/presidential-study-directive-mass-atrocities, accessed April 13, 2015 [hereinafter PSD-10].
2. Martin Shaw, *War and Genocide* (Cambridge: Polity Press, 2003), 43-45.
3. See discussion infra part II.
4. A line of operation (LOO) defines the interior or exterior orientation of the force in relation to the enemy or connects nodes/decisive points related to time and space to an objective,# while a line of effort (LOE) links multiple tasks and missions using unity of purpose (cause and effect) to focus operational efforts toward establishing operational and strategic conditions. More simply put, LOOs are a series of concrete military actions, organized in time, while LOEs are do not have a positional reference and are more often used to describe stability and civil support operations within operational design. See Department of Defense, JP 5-0, *Joint Operational Planning*, (Washington, D.C.: Government Printing Office, 11 August 2011): III-27-III-29.
5. Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, Article II, 280, accessed 13 April 2015, https://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf [hereinafter "UN Genocide Convention"].
6. UN Genocide Convention. But see Frank Chalk and Kurt Johnassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, CT: Yale University Press, 1990): 11. Although the international community has generally accepted the UN definition, it is not without criticism. Some scholars point to the lack of distinction between violence intended to annihilate a group versus non-lethal attacks on that group, whereas others believe it is too selective because it does not include gender or political groups as a potential victim group.
7. Rome Statute of the International Criminal Court, 1 July 2002, accessed 13 April 2015, http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf [hereinafter "Rome Statute"].
8. Rome Statute, 4-5.

9. Robert I. Rotberg, *Mass Atrocity Crimes: Preventing Future Outrages* (Washington, D.C.: Brookings Institution Press, July 2010): 2-6. Rotberg provides a helpful analysis of all of the atrocity crime definitions.

10. "Definition of Armed Conflict," Department of Peace and Conflict Resolution, accessed 13 April 2015, http://www.pcr.uu.se/research/ucdp/definitions/definition_of_armed_conflict/.

11. Therese Pettersson & Peter Wallensteen, "Armed Conflicts, 1946-2014," *Journal of Peace Research* 52(4) (2015): 549.

12. The Geneva Conventions of August 12, 1949, Common Article II and III. Common Articles II and III of the Geneva Conventions describe armed conflict of either an international or non-international nature. See also Andreas Paulus and Mindia Vashakamadze, Asymmetrical War and the notion of armed conflict - a tentative conceptualization, International Review of the Red Cross 91, no. 873 (March 2009): 101 (Emerging thought also recognizes internationalized armed conflict, which is internal armed conflict that is supported by different external states).

13. Extrasystemic armed conflict occurs between a state and a non-state group outside its own territory. These conflicts are by definition territorial, since the government side is fighting to retain control of a territory outside the state system. Interstate armed conflict occurs between two or more states. Internal armed conflict occurs between the government of a state and one or more internal opposition group(s) without intervention from other states. Internationalized internal armed conflict occurs between the government of a state and one or more internal opposition group(s) with intervention from other states (secondary parties) on one or both sides. See UCDP/PRIO Armed Conflict Dataset Codebook Version 4-2014a (Oslo: Upsalla Conflict Data Program, 2014), 9, accessed 13 April 2015, .http://www.pcr.uu.se/digitalAssets/124/124920_1codebook_ucdp_prio-armed-conflict-dataset-v4_2014a.pdf.

14. Brian Orend, "War," in *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), Edward N. Zalta (ed.), accessed 13 April 2015, http://plato.stanford.edu/entries/war/#2.1. Jus ad bellum sets forth a very narrow set of ethically defensible reasons that one state will go to war with another state. Scholars of just war tradition generally agree on six non-mutually exclusive factors that must exist for a war to be just: First, it must be for a just cause. Second, the war must be for the right intention. Third, the war must have the proper authority and with public declaration. Fourth, the war must be a last resort. Fifth, there must be a high probability of success. Finally, the war must be proportional. This article does not propose to analyze each instance of genocide during conflict, but one must be aware that conflicts occur for a variety of reasons, some legitimate and others not.

15. Barbara Salazar Torreon, U.S. Library of Congress, Congressional Research Service, "Instances of the United States Forces Abroad," 1795-2015, 28-35, accessed 14 April 2015, https://fas.org/sgp/crs/natsec/R42738.pdf.

16. Martin Shaw, *War and Genocide* (Cambridge, UK: Polity Press, 2003): 41.

17. Alex J. Bellamy, The Stanley Foundation Policy Analysis Brief, "Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent" (February 2011): 4, accessed 13 April 2015, http://www.stanleyfoundation.org/publications/pab/BellamyPAB22011.pdf.

18. United Nations, Framework of Analysis for Atrocity Crimes: A Tool for Prevention (2014), accessed 13 April 2015,

http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf.

19. Bellamy, "Mass Atrocities and Armed Conflict," 2.

20. Ibid.

21. Ibid.

22. Derrick Silove, "Conflict in East Timor: Genocide or Expansionist Occupation?" *Human Rights Review* 1.3 (Apr-Jun 2000): 63.

23. Ibid, 63.

24. Ibid, 64.

25. Ibid.

26. Jaume Saura, "Free Determination and Genocide in East Timor," *Human Rights Review* 3.4 (Jul-Sep 2002): 49.

 27 Silove, "Conflict in East Timor," 67.

28. Ibid, 67.

29. Ibid, 70-73.

30. M. Anne Brown, *Human Rights and the Borders of Suffering* (Manchester: University Press, 2002), 144.

31. Ibid, 148-49.

32. Silove, "Conflict in East Timor," 63-64.

33. Ibid, 64.

34. Ibid, 64.

35. Barbara Salazar Torreon, "United States Forces Abroad."

36. JP 3-0, *Joint Operations*, (Washington, DC: Government Printing Office, 11 August 2011): I-4.

37. Ibid, I-5.

38. The White House, *National Security Strategy,* (March 2006): 17, accessed 16 April 2015, http://georgewbush-whitehouse.archives.gov/nsc/nss/2006/.

39. The White House, *National Security Strategy* (May 2010): 48, accessed 16 April 2015, https://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.

40. Sarah Sewall, Dwight Raymond, & Sally Chin, *Mass Atrocity Response Operations: A Military Planning Handbook*, (Carlisle Barracks: U.S. Army Peacekeeping and Stability Operations Institute, May 2010), 7 [hereinafter "MARO Handbook"].

41. Hugh Breakey, "The Responsibility to Protect: Game Change and Regime Change," in *Norm Of Protection: Responsibility to Protect, Protection of Civilians and Their Interaction*, ed. Angus Francis et al. (Tokyo: UNU Press, December 2012): 30. "The US Mass Atrocity Response Operation (MARO) Handbook contains only two strategic approaches that do not involve troops on the ground. The first, containment , includes no-fly zones and air strikes, but is effective only when perpetrator forces are readily identifiable and targetable, and in any case "is unable to provide direct protection to vulnerable civilians."

42. PSD-10.

43. Ibid.

44. The White House, Fact Sheet: The Obama Administration's Comprehensive Efforts to Preven Mass Atrocities Over the Past Year (May 1, 2013), accessed 14 April 2015,

https://www.whitehouse.gov/sites/default/files/docs/fact_sheet_-
_administration_efforts_to_prevent_mass_atrocities5.pdf.

45. Ibid, 6.

46. Chairman of the Joint Chiefs of Staff, *The National Military Strategy of United States of America*, accessed 14 April 2015, http://www.defense.gov/pubs/2011-National-Military-Strategy.pdf.

47. Ibid, 12. "We will continue to counter violent extremism in the Horn of Africa, particularly Somalia and the Trans-Sahel. We will work in other areas to help reduce the security threat to innocent civilians."

48. Department of Defense*, Sustaining U.S. Global Leadership: Priorities for 21st Century Defense* (January 2012), accessed 14 April 2015, http://www.defense.gov/news/Defense_Strategic_Guidance.pdf, 6 ("DoD will continue to develop joint doctrine and military response options to prevent and, if necessary, respond to mass atrocities.").

49. Department of Defense, *Quadrennial Defense Review 2014* (Washington, DC: Government Printing Office, 4 March 2014): 5, accessed 14 April 2015, http://www.defense.gov/pubs/2014_Quadrennial_Defense_Review.pdf.

50. The White House, *National Security Strategy* (February 2015): 22, accessed 14 April 2015, https://www.whitehouse.gov/sites/default/files/docs/2015_national_security_strategy.pdf.

51. Ibid.

52. JP 3-07.3, *Peace Operations* (Washington, DC: Government Printing Office, 17 October 2007).

53. Ibid, iii.

54. FM 3-07, *Stability Operations* (Washington, D.C.: Government Printing Office, June 2014), 1-11.

55. Ibid.

56. Jane Arraf, "Iraq War: Last U.S. Combat Brigade Crosses into Kuwait," *The Christian Science Monitor*, 19 August 2010.

57. Thom Shanker and Helene Cooper, "Pentagon Plans to Shrink Army to Pre-World War II Level," *The New York Times*, 23 February 2014.

58. Sewell, MARO Handbook.

59. Peacekeeping and Stability Operations Institute, *Protection of Civilians Military Reference Guide* (Carlisle, PA: United States Army War College, January 2013), accessed 14 April 2015, https://www.whitehouse.gov/sites/default/files/docs/2015_national_security_strategy.pdf [hereinafter "POC Reference Guide"].

60. JP 5-0, *Joint Operation Planning* (Washington, D.C.: Government Printing Office, 11 August 2011), III-39.

61. Ibid, III-42.

62. Ibid, III-42-III-43.

63. Joint Chiefs of Staff, CJCSM 3500.04F, *Universal Joint Task Manual* (Washington, D.C.: Government Printing Office, 1 June 2011) A-1 [hereinafter "UJT Manual"].

64. UJT Manual, A-2.

65. Ibid.

66. Ibid, A-4-A-5.

67. PDF Version of Approved Universal Joint Task List (UJTL) Database (as of January 7, 2015), accessed April 14, 2015, http://dtic.mil/doctrine/training/ujtl_tasks.pdf.

68. JP 5-0, *Joint Intelligence* (Washington, D.C.: Government Printing Office, 22 October 2013): I-1. Describes the importance of the operational environment as the "composite of the conditions, circumstances, and influences that affect the employment of capabilities and bear on the decisions of the commander."

69. United States Joint Forces Command, *The Joint Operating Environment 2010*, 5.

70. Ibid, 32-33.

71. JP 3-0, *Joint Operations*, V-4. Current examples of military operations are "stability operations, civil support, foreign humanitarian assistance, recovery, noncombatant evacuation, peace operations, combating weapons of mass destruction, chemical, biological, radiological, and nuclear consequence management, foreign internal defense, counterdrug operations, combating terrorism, counterinsurgency, and homeland defense."

72. Joint Publications that should include MAPRO considerations include JP 3-05 (*Special Operations*), JP 3-09.3 (*Close Air Support*), JP 3-13 (*Information Operations*), JP 3-13.2 (*Psychological Operations*), and JP 3-22 (*Foreign Internal Defense*), JP 3-60 (*Joint Targeting*), and JP 4-0 (*Joint Logistics*). By including MAPRO considerations in these publications, joint planners and commanders will consider MAPRO throughout every state of any military operation.

73 Department of the Army, TRADOC Pam 525-3-1, "The U.S. Army Operating Concept, 2020-2040" (31 October 2014): 2-1, accessed 14 April 2015, http://www.tradoc.army.mil/tpubs/pams/tp525-3-1.pdf.

74 Department of the Army, ADRP 6-0, *Mission Command* (May 2012): 3-7. Current tasks are "conduct military deception, conduct civil affairs operations, install, operate, and maintain the network, conduct airspace control, and conduct information protection."

75 Peter M. Mansoor, *Surge: My Journey with General David Petraeus and the Remaking of the Iraq War New Haven* (CT: Yale University Press, 2013): 36-37. The author his assignment to Fort Leavenworth's Counterinsurgency Center, where one of his immediate tasks was to review the draft FM 3-24 in 2006. FM 3-24 was published on December 15, 2006.

76 POC Reference Guide.

77 Ibid, 81-126. Current "Design and Conduct of [POC] Operations" tasks are "plan for the POC, prepare for the POC, conduct patrols, establish checkpoints, guard posts, and observation posts, employ mobile operating bases, conduct cordon and search operations, neutralize or defeat adversaries, conduct interposition operations, evacuate vulnerable civilians, mitigate civilian casualties, respond to reported incidents of civilian harm, protect the force, provide C2, provide logistics, integrate fire support, support relief for displaced persons, and contain public unrest."